

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

<p>JUAN MANUEL RENTERIA,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p style="padding-left: 40px;">vs.</p> <p>STATE OF NEVADA et al.,</p> <p style="padding-left: 40px;">Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>3:14-cv-00621-RCJ-WGC</p> <p style="text-align: center;">ORDER</p>
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This is a prisoner civil rights complaint pursuant to 42 U.S.C. § 1983. The Court now screens the Complaint under 28 U.S.C. § 1915A and dismisses it, without leave to amend.

I. FACTS AND PROCEDURAL HISTORY

Plaintiff Juan Renteria is a prisoner in the custody of the Nevada Department of Corrections. He has sued the State of Nevada and two individual Defendants in this Court under 42 U.S.C. § 1983 based on alleged constitutional violations at his trial.

II. LEGAL STANDARDS

District courts must screen cases in which a prisoner seeks redress from a governmental entity or its officers or employees. 28 U.S.C. § 1915A(a). A court must identify any cognizable claims and must dismiss claims that are frivolous, malicious, insufficiently pled, or directed against immune defendants. *See id.* § 1915A(b)(1)–(2). Pleading standards are governed by Rule 12(b)(6). *Wilhelm v. Rotman*, 680 F.3d 1113, 1121 (9th Cir. 2012). When a court dismisses a

complaint upon screening, the plaintiff should be given leave to amend the complaint with directions as to curing its deficiencies, unless it is clear from the face of the complaint that the deficiencies could not be cured by amendment. *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

III. ANALYSIS

The Court dismisses based on *Heck v. Humphrey*, 512 U.S. 477 (1994). Under that case, if the determination of a claim in a plaintiff's favor would imply the invalidity of a conviction or sentence, it is not cognizable as the basis of any civil action (including under § 1983), unless and until the challenged conviction or sentence has been reversed on appeal or vacated via writ of habeas corpus. *Id.* at 486–87.

CONCLUSION

IT IS HEREBY ORDERED that the Motion for Leave to Proceed in Forma Pauperis (ECF No. 1) is GRANTED.

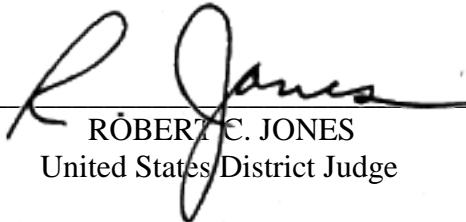
IT IS FURTHER ORDERED that the Clerk shall DETACH and FILE the Complaint (ECF No. 1-1).

IT IS FURTHER ORDERED that the Complaint is DISMISSED, without leave to amend, and a Certificate of Appealability is DENIED.

IT IS FURTHER ORDERED that the Clerk shall enter judgment and close the case.

IT IS SO ORDERED.

Dated this 30th day of April, 2015.



ROBERT C. JONES
United States District Judge